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Michael Moates,  
*Pro per* Plaintiff

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Attorneys for Defendant META PLATFORMS, INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MICHAEL MOATES,

Plaintiff,

v.

FACEBOOK, INC.

Defendant.

Case No. 3:22-cv-04478-JD

**JOINT STIPULATION AND  
[PROPOSED] ORDER TO SET  
BRIEFING SCHEDULE**

1 Plaintiff Michael Moates and Defendant Meta Platforms, Inc. (“Meta”) (f/k/a Facebook)  
2 (collectively the “Parties”), by and through their counsel of record, hereby stipulate, subject to  
3 approval of the Court, as follows:

4 1. On November 19, 2020, Plaintiff filed a Complaint against Meta in the United States  
5 District Court for the Eastern District of Texas, which was captioned *Moates v. Facebook, Inc.*,  
6 Case No. 4:20-cv-00896.

7 2. On November 25, 2020, Plaintiff filed a First Amended Complaint (“FAC”),  
8 asserting claims for (1) fraud; (2) strict tort liability; (3) violation of civil rights; (4) violation of  
9 anti-trust laws; (5) data theft; and (6) violation of contract.

10 3. On December 28, 2020, Plaintiff filed a Second Amended Complaint (“SAC”),  
11 asserting claims for (1) fraud; (2) breach of contract; (3) violation of civil rights; (4) violation of  
12 antitrust laws; (5) data theft; (6) violation of contract; (7) violation of regulation FD, unfair  
13 practices, insider trading; and (8) violation of right to privacy.

14 4. On February 3, 2021, Meta moved to dismiss Plaintiff’s SAC and to transfer the  
15 action (4:20-cv-00896) to the U.S. District Court for the Northern District of California pursuant to  
16 28 U.S.C. § 1404(a).

17 5. On May 14, 2021, the assigned magistrate judge issued a report and  
18 recommendation that the action (4:20-cv-00896) be transferred to the U.S. District Court for the  
19 Northern District of California.

20 6. On August 4, 2021, before the action (4:20-cv-00896) was transferred, Plaintiff  
21 voluntarily dismissed the action.

22 7. On July 29, 2021, Plaintiff filed an Original Petition against Meta in the 31st District  
23 Court of Denton County, which was captioned *Moates v. Facebook, Inc.*, Case No. 21-6407-431.  
24 On August 23, 2021, Plaintiff filed an Amended Petition.

25 8. On September 9, 2021, Meta removed the state court action (21-6407-431) to the  
26 United States District Court for the Eastern District of Texas pursuant to 28 U.S.C. §§ 1332, 1441,  
27 and 1446. *Moates v. Facebook, Inc.*, Case No. 4:21-cv-00694.  
28

9. On October 28, 2021, Meta moved to transfer the case (4:21-cv-00694) to the Northern District of California pursuant to 28 U.S.C. § 1404(a).

10. On July 12, 2022, the Court granted Meta's motion and transferred the case to the Northern District of California. *Moates v. Facebook, Inc.*, Case No. 22-cv-04478-SK.

11. On August 2, 2022, the Court set the following case schedule:

- October 11, 2022: Last day to meet and confer re initial disclosures, early settlement, ADR process selection, and discovery plan;
- October 24, 2022: Last day to file a Rule 26(f) Report, complete initial disclosures, and file a Case Management Statement;
- October 31, 2022: Initial Case Management Conference at 1:30 PM.

12. On September 30, 2022, the matter was reassigned to the Honorable Judge James Donato. The Court set the Case Management Conference to December 1, 2022, at 10:00 A.M. The Court also ordered counsel to meet and confer and file a joint case management statement not less than seven (7) calendar days before the conference.

13. Plaintiff has informed Meta of his intention to amend his SAC. Meta informed Plaintiff that they would not agree to the amendment. Plaintiff informed Meta that he thus intends to file a Motion for Leave to Amend his SAC.

14. The parties have met and conferred in good faith and have agreed, subject to the Court's approval, to the following briefing schedule:

Date	Event
November 14, 2022	Deadline for Plaintiff to file a Motion for Leave to Amend his SAC
December 12, 2022	Deadline for Meta to file an opposition to Plaintiff's Motion for Leave to Amend
December 28, 2022	Deadline for Plaintiff to file a reply to Meta's opposition to Plaintiff's Motion for Leave to Amend

30 days after decision on Plaintiff's Motion for Leave to Amend	Deadline for Meta to file a Motion to Dismiss
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15. The Parties have also agreed, subject to the Court's approval, to postpone the Case Management Conference set for December 1, 2022 until thirty days after a decision on the merits on Meta's Motion to Dismiss. It is therefore stipulated and agreed by and between the Parties:

Plaintiff's deadline to file a Motion for Leave to Amend shall be November 14, 2022; Meta's deadline to oppose Plaintiff's Motion for Leave to Amend shall be December 12, 2022; Plaintiff's deadline to reply to the opposition shall be December 28, 2022; Meta's deadline to file a Motion to Dismiss shall be thirty (30) days after a decision on Plaintiff's Motion for Leave to Amend; the Case Management Conference set for December 1, 2022 shall be postponed until thirty (30) days after a decision on the merits on Meta's Motion to Dismiss.

Dated: November 1, 2022

Respectfully submitted,

ORRICK, HERRINGTON & SUTTCLIFFE LLP

By: /s/ Jacob M. Heath  
Jacob M. Heath

*Attorney for Defendants Meta Platforms, Inc.*

By: /s/ Michael Moates  
Michael Moates

*Pro per Plaintiff*

CIVIL LOCAL RULE 5-1(i)(3) ATTESTATION

I hereby attest that concurrence in the filing of this document has been obtained from each of the other signatories hereto.

Dated: November 1, 2022

By: /s/ Jacob M. Heath  
JACOB M. HEATH

**[PROPOSED] ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: \_\_\_\_\_

\_\_\_\_\_  
HONORABLE JAMES DONATO  
United States District Judge